

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

BOARD OF TRUSTEES, SHEET METAL )  
WORKERS' NATIONAL PENSION FUND *et* )  
*al.*, )  
  ) Civil Action No. 1:22-cv-1294 (PTG/WEF)  
*Plaintiffs,* )  
v. )  
NEW YORK CHUTES, LLC, )  
  )  
*Defendant.*

**ORDER**

This matter is before the Court on Plaintiff's Notice of Hearing on Plaintiffs' Objection to the Magistrate Judge's Report and Recommendation. Dkt. 46. On July 5, 2023, Magistrate Judge William Fitzpatrick issued a Report and Recommendation on Plaintiffs' Motion for Default Judgment as to Defendant New York Chutes, LLC. Dkt. 38. In its Objection, Plaintiffs advised that they have provided an alternative basis for entry of default. Dkt. 43 at 2.

It is hereby **ORDERED** that the Report and Recommendation is remanded to Magistrate Judge Fitzpatrick for consideration of Plaintiff's position and for the record to be supplemented if needed. Accordingly, the hearing noticed on the Court's docket for September 7, 2023 is terminated.

The Clerk is directed to forward copies of this Order to counsel of record.

August 22, 2023

  
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Patricia Tolliver Giles  
United States District Judge